

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAR 02 2018

Clerk, U S District Court
District Of Montana
Billings

MAJESTIC HOMES, INC.,

Plaintiff,

vs.

ROSE HURT,

Defendants.

CV 16-08-BLG-SPW

ORDER

On August 31, 2017, Plaintiff Majestic Homes was granted summary judgment on the issue of liability. (Doc. 33). On February 13, 2018, the Court determined it was undisputed Majestic Homes was entitled to the unpaid purchase price of the goods, which is \$115,989.00. (Doc. 45). On February 26, 2018, a jury trial was held on the issue of incidental damages. (Doc. 48). The jury found Majestic Homes was entitled to \$16,770.00 in incidental damages. (Doc. 50).

On March 2, 2018, Majestic Homes moved the Court to enter judgment in the amount of \$115,989.00 for the unpaid purchase price; \$16,770.00 in incidental damages; \$27,547.40 in prejudgment interest; and \$12,784.00 in attorney fees and costs. (Doc. 57).

In Montana, a plaintiff is entitled to recover prejudgment interest on damages certain from the date the cause of action accrued. *Stafford v. Fockaert*,

366 P.3d 673, 678-679 (Mont. 2016) (citing Mont. Code Ann. § 27-1-211). Here, the cause of action accrued the date Majestic Homes delivered the goods to Defendant Rose Hurt—December 29, 2014—because that is the date she accepted the goods but refused to pay. (Doc. 20 at ¶ 14); (Doc. 32 at 8-18). Majestic Homes is entitled to prejudgment interest on the unpaid purchase price beginning on December 29, 2014, because the unpaid purchase price is a sum certain that Majestic Homes was entitled to collect on that day.

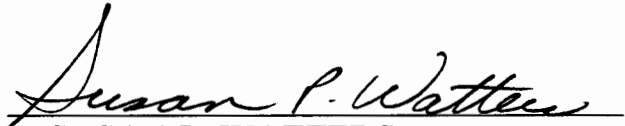
Prejudgment interest is calculated at the same rate as postjudgment interest. *In re Marriage of DeBuff*, 50 P.3d 1070, 1078-1079 (Mont. 2002). Postjudgment interest is calculated at a rate equal to the rate for bank prime loans published by the federal reserve system on the day judgment is entered, plus 3%. Mont. Code Ann. § 25-9-205(1)(a). The current bank prime loan rate is 4.5%. *Selected Interest Rates*, Federal Reserve (March 1, 2018), www.federalreserve.gov/release/h15. The prejudgment interest on \$115,989.00 with an annual interest rate of 7.5% from December 29, 2014, through February 26, 2018, is \$27,547.40.

A request for attorney fees must be made by motion and the Court must give the opposing party an opportunity to respond. Fed. R. Civ. P. 54(d)(2)(A-C). Majestic Homes may move for attorney fees by separate motion after the judgment is entered.

Accordingly, it is hereby ordered:

1. Majestic Homes' motion for entry of judgment (Doc. 50) is granted.
2. The Clerk of Court is directed to enter judgment in favor of Majestic Homes and against Rose Hurt in the following amounts:
 - a. \$115,989.00 for the unpaid purchase price of the goods;
 - b. \$16,770.00 for incidental damages; and
 - c. \$27,547.40 for prejudgment interest on the unpaid purchase price of the goods;
 - d. the post judgment interest to which Majestic Homes is entitled until the judgment is satisfied in full.

DATED this 2nd day of March, 2018.


SUSAN P. WATTERS
United States District Judge